Students with Special Needs

- **10-12%** of school-age children with disabilities receive special education and related services under the Individuals with Disabilities Education Act (IDEA).
- Another **10% to 20%** experience learning and behavior problems that are not significant enough to classify them as disabled under special education law.
- Some students with disabilities do not qualify under special education law. They may qualify for services and protections under **Section 504 of the Rehabilitation Act of 1973**.

First Things First: Person-First Language

- Do not use generic labels
  - Not “the autistic”
  - Instead “individuals with autism”
- Put people first, not their disability
  - “a person with a disability”
- Emphasize abilities, not limitations
  - “uses a wheelchair” rather than “confined to a wheelchair”
Historically, there have been several groups of students who were denied education. These were:

- girls (gained access in early 1900s)
- racial minorities (gained access in 1950s)
- students with disabilities (gained access in 1970s)

Students traditionally denied educational services end up receiving equal protection usually through a combination of three actions: legislation, litigation, and parental advocacy.

Landmark Legislation

- Education:
  - The Education for All Handicapped Children Act of 1975. (P.L. 94-142)
  - The Individuals with Disabilities Education Act Amendments of 1997.
  - The Individuals with Disabilities Education Improvement Act of 2004.
- Civil Rights
  - Section 504 of the Vocational Rehabilitation Act of 1973

Important Litigation

- **Brown v. Board of Education** (1954)
  - Eliminated “separate but equal”
- **PARC v. Pennsylvania** (1971)
  - Previously, law required children have a “mental age of 5” prior to entering school
- **Mills v. District of Columbia** (1972)
  - Found that districts couldn’t refuse students solely because of disability (under equal protection clause of 14th Amendment)
  - First FAPE case heard by S.C.; district must provide ASL interpreter
- **Burlington School Committee v. DOE** (1985)
  - Regarding unilateral placement and reimbursement
Honig v. Doe (1988)
- Expulsion/suspension of more than 10 days is a change of placement under 94-142

- Set high standards for segregating students with disabilities (now known as "the Oberti test")

- ASL interpreter can be provided by school district to students in parochial schools without violating 1st Amendment

Florence Co. v. Carter (1993)
- Public schools may be required to pay for private school education if school district failed to meet FAPE requirements

- Parents can represent themselves in IDEA matters

History of Special Education, pre-1970s
- Prior to the mid-1970s, many students with disabilities were denied access to education.
- Prior to the mid-1970s, some students with physical disabilities and intellectual disabilities did receive services; however, these were usually in self-contained, segregated classrooms.
- Prior to the mid-1970s, some children with disabilities received services in residential programs (usually for intellectual disabilities or sensory impairments).

History of Special Education, 1970s to Present
- Since the mid-1970s, students with disabilities have received more appropriate services, many times in less segregated settings.
  - The students most likely to receive services in segregated settings today are those with emotional/behavioral disabilities
- Today, many students with disabilities receive services in resource rooms and general education classrooms.
- Parent advocacy, legislation, and litigation have played a major part in the evolution of special education services.
Inclusion Phase

- During the isolation phase, students with disabilities were not educated at all. If they were educated, that education occurred in segregated settings.
- During the integration phase, it was assumed that students with disabilities were the responsibility of special education.
- During the inclusion phase, it is assumed that students with disabilities belong in general education classrooms.
- Empowerment and self-determination are long-term outcomes for students with disabilities.

Groups of Students with Special Needs

- Students with disabilities who qualify under the IDEA
- Students eligible for Section 504
- Students at risk for school problems

Generalizations about Students with Special Needs

- Approximately half of all students in public schools need assistance.
- Diversity among students in public schools represents the norm rather than the exception.
- Educators must be able to identify these students and help develop and implement appropriate programs.
This legislation opened the doors of public schools and general education classrooms to students with disabilities.

Under this law, schools are required to seek and implement appropriate educational programs for all students with disabilities.

Today, this law is referred to as the **Individuals with Disabilities Education Act (IDEA).**

Many students with disabilities may qualify for special education under the Individuals with Disabilities Education Act (IDEA).

Students with disabilities are those who exhibit one of **fourteen** specific categories that result in their need for special education and related services.

**IDEA Exceptionalities**

- Mental Retardation *
- Learning Disabilities
- Emotional Disturbance
- Deafness
- Hearing Impairments
- Orthopedic Impairments
- Deaf-blindness
- Visual Impairments
- Other Health Impairments
- Autism
- Traumatic Brain Injury
- Speech or Language Impairments
- Multiple Disabilities
- Developmental delays

* The official term under IDEA 2004 is mental retardation; however “Rosa’s Law” (2010) changed references in federal statutes to “intellectual disability”
Qualifying under IDEA

- Just because a child has a disability that is listed under IDEA does not necessarily mean he will receive services under IDEA.
- Each IDEA disability category has specific criteria for eligibility.
  - Additionally, the disability must “adversely impact” the child’s educational progress – if not, the child does not qualify for IDEA services.

Key Components of P.L. 94-142 / IDEA

- Child Find
- Nondiscriminatory Assessment
- Individualized Education Plan (IEP)
- Least Restrictive Environment (LRE)
- Due-Process Safeguards

Students with Disabilities

- Not all students with disabilities fit neatly into the IDEA categories.
- Section 504 of the Rehabilitation Act and the Americans with Disabilities Act use very different definitions from the IDEA.
- If a child does not qualify for services under IDEA, he may be found to qualify for what educators call “a 504 plan”, or services under Section 504.
Definition of Disability: Section 504 and the ADA

- A person is considered to have a disability if that individual
  - has a physical or mental impairment that substantially limits one or more of the person’s major life activities
  - has a record of such an impairment
  - is regarded as having such an impairment

Who has to comply with ADA and 504?

- ADA took the definition of disability from Section 504 and expanded its application
- Section 504 applied to places that received federal funding (so all public schools and colleges have always had to comply)
- ADA expanded the requirements to all “places of public accommodation”

What is a place of public accommodation?

- The law specifies that it includes private schools, day cares, after school programs, etc.
  - The only exemption is for places that are owned/operated by a religious organizations, and courts have interpreted that narrowly
  - If a program is operated by a religious organization, yet accepts federal funds (such as a religious school accepting Title I funding), it still has to comply with Section 504.
Students At Risk

- These students do not fit into a specific disability category at all and manifest characteristics that could easily lead to learning and behavior problems.
- These students include:
  - Potential dropouts
  - Drug and alcohol abusers
  - Students from minority cultures
  - Students from low-income homes
  - Teenagers who become pregnant
  - Students who speak English as a second language
  - Students who are in trouble with the legal system

What about students with emotional/behavioral disorders?

- The term emotional disturbance is one of many terms used to classify abnormal, atypical, or deviant behaviors.
- Other terms sometimes used interchangeably are emotional maladjustment, impairment, or handicap, mental disorder, psychological disorder, psychopathology, and mental illness.
- Problems defining the term emotional disturbance arise due to the variation in terminology and a general reluctance by agency personnel to define large numbers of individuals as EBD.

Factors Influencing Concepts of Deviance

- Variation in individuals’ tolerance ranges for behavior
- Differences in the theoretical models from which professionals operate
- Differences in terminology associated with emotional and behavioral problems
- Sociological parameters of behavior
Public Law Definition of EBD

- The 1997 IDEA reauthorization defines emotional disturbance as:

  Emotional disturbance is defined as follows: (i) the term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, that adversely affects a child’s educational performance: (a) an inability to learn that cannot be explained by intellectual, sensory, or health factors; (b) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (c) inappropriate types of behavior or feelings under normal circumstances; (d) a general pervasive mood of unhappiness or depression; or (e) a tendency to develop physical symptoms or fears associated with personal or school problems. (ii) The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance. [Code of Federal Regulation, title 34, Section 300.7(b)(9)]

Problems with the Federal Definition

- A variety of state definitions exist, resulting in diverse identification procedures.
- Since it is difficult to operationalize the current federal definition, professionals continue to rely on subjective clinical judgment rather than replicable objective data.
- The federal definition’s use of the term socially maladjusted is controversial because:
  - “Social maladjustment” is often equated with conduct disorders, resulting in children with conduct disorders being unjustly excluded from special education, and
  - Social maladjustment is not a term used or defined by any related field, so it is wide open for interpretation

Dimensions of Emotional/Behavioral Disorders

- Chronicity - a pattern of behavior that has been relatively stable over time.
- Frequency - how often the behavior occurs
- Severity - extremeness of the behavior
Demographics

**Students with EBD**
- 75-85% male
- 62% Caucasian
- 27% African American
- 8-17 years old

**Teachers of Students with EBD**
- 72% female, higher male percentage than other teacher groups
- 82% Caucasian
- 15% African American
- As a group, more diverse and younger than other SPED teacher groups

Post-School Outcomes

- Post school outcomes for students with EBD are not often positive.
- Compared to other students with mild disabilities, students with EBD graduate from high school less often, and are less likely to attend postsecondary schools (Kauffman, 2005; Wagner, 1995)
- In 2001-2002 almost 61.2 percent of students with EBD dropped out of school (US Department of Education, 2006)
- 70 percent of these students would be arrested within 3 years of leaving school (U.S. Department of Health and Human Services [USDHHS], 1999)

Prevalence

- Accurate estimation of the prevalence of children and youth with EBD is hampered by difference in data gathering methods and definitions.
- Bower (1996) estimates that about 10 percent of the school-age population needed intervention for behavioral or emotional problems.
- More recent studies indicate that between 9 and 20 percent of the child and adolescent population in this country suffer from a diagnosable mental/emotional problem requiring intervention (USDHHS, 1999)
Prevalence

- The Surgeon General’s 1999 report (USDHHS, 1999) suggested that school is the primary setting for the identification of mental disorders in children and youth.
- The Center for Mental Health Services estimated that about 57 percent of children seeking community mental health services were not receiving special education at the time of intake.
- It is now accepted that schools are a major component of a continuum of mental health services to children and youth and that mental health services are in need of support and improvement (Foster, Rollefson, Doksum, Noonan, & Robinson, 2005).

Comorbidity of Other Disorders with Emotional/Behavioral Disorders

- Comorbidity refers to the coexistence of two or more diagnosable disorders in the same individual.
- EBD is very commonly associated with the diagnostic categories of oppositional defiant disorder, attention deficit hyperactivity disorder (ADHD), autistic disorder, intellectual disability, and depression and anxiety disorders (Mash & Dozois, 1996).
- Estimates are that approximately 30-60% of children in the juvenile justice system have one or more disabilities (Morris & Morris, 2006).

Hypotheses for high incidence of disabilities and delinquency

- There are three primary hypotheses for why there are such a high number of juveniles in the system who have disabilities:
  1. School failure hypothesis – disability & this school failure is the first step in a sequence of life events leading to delinquency
  2. Susceptibility hypothesis – the presence of a disability leads to antisocial behaviors and miscues that leads to involvement with juvenile justice
  3. Differential treatment hypothesis – youth with disabilities engage in antisocial behaviors at the same rates as those without, but because of their disability are treated differently in the system
Educational Services

- While by law, juveniles are 18 and younger, students with disabilities are entitled to educational services until their 22nd birthday (or graduating high school)
  - Even those transferred to the adult system are still entitled to IDEA services if they qualify
    - Studies have shown that only 29% of juveniles in adult facilities are receiving educational services (Quinn, Rutherford, & Leone, 2001)
  - The educational services juveniles receive while incarcerated may be the last educational services they ever receive (Foley, 2001)

Best practices

- There is very little research to demonstrate best practices in correctional special education
- One study found only 17% of teachers in juvenile & adult correctional facilities were credentialed in special education (Quinn et al. 2001)
- Additionally, a large number of these youth also need mental health care
- Wraparound services, with good connections between home schools, correctional facilities, alternative schools, and families, are the best way to break to “school-to-prison pipeline”

Good references for additional information